

ACT TO CLOSE 10/6/76

Kin-Buc OK'd

By MARK CRANE
News Tribune staff writer

NEWARK — An agreement to close the controversial Kin-Buc landfill in Edison between the operators, the state Department of Environmental Protection and the Public Utilities Commission was almost finalized yesterday over a dispute regarding alternate sites for the dumping of solid and chemical wastes.

During a joint hearing before the PUC DEP yesterday, Kin-Buc attorney Theodore Schwartz claimed that he had "hoodwinked" by the two state agencies because they didn't include Kin-Buc Two as one of the possible alternative sites.

The agreement, which will end all operations at Kin-Buc One by January 15, is approved by the PUC and DEP, was officially signed yesterday but Schwartz cautioned on several occasions to withhold his approval from the agreement.

The attorney said the two state agencies are discriminating against Kin-Buc Inc. because the other sites listed as alternatives for dumping don't have the capacities or environmental controls as Kin-Buc Two.

The Kin-Buc Two site received tentative approval from the state DEP, but engineering plans have not yet been approved and the site is not yet authorized to accept solid wastes.

Deputy Attorney General for the PUC Arla Bello listed four area landfills (Edinboro Disposal Inc. of East Brunswick, Industrial Land Reclaiming Inc. of Edison, the Edison Township landfill and Glendale landfill of Old Bridge) as alternative sites to accept solid waste that previously went to Kin-Buc One.

But Schwartz said he wants to place witnesses on the stand to show that Kin-Buc Two is also an alternative site. Our intention is to stay in the solid waste business. All of the garbage from Kin-Buc One can be handled by Kin-Buc Two," he said.

Ms. Bello and John Van Dalen, deputy attorney general for the DEP, objected to

any testimony about Kin-Buc Two, stating that it is not relevant to yesterday's hearing regarding the closing of Kin-Buc One for pollution violations.

PUC hearing examiner Harold Kaplan ruled that testimony will be taken regarding the alternate sites and Kin-Buc Two. "I don't want garbage just transferred from one cesspool to another."

Kaplan emphasized that he doesn't have the jurisdiction to rule on the issuance of permits by the DEP to the other landfills or to approve the site of Kin-Buc Two as an alternative.

Schwartz said he intends to present witnesses regarding various environmental safeguards at Kin-Buc Two including monitoring wells, leachate collection systems, capacity and diking systems.

Van Dalen said the engineering plans for Kin-Buc Two haven't been approved but Schwartz responded that plans for the other landfills haven't been approved either.

Kaplan ordered Van Dalen to provide information about the details of the operation of the other landfills listed as alternatives.

Richard Peluso, a consulting engineer who designed Kin-Buc Two, testified that the landfill is probably "the best in the state."

The Kin-Buc One site hasn't been able to accept solid or chemical wastes since July when the DEP issued a closing order.

Schwartz asked the DEP to provide information as to where chemical wastes are now being disposed of. Van Dalen presented a letter from the department's Bureau of Solid Waste Management stating that no increase in "promiscuous dumping" of the chemicals is taking place. The letter also lists various sites in and out of state where chemicals can be disposed of.

Schwartz countered that half of the sites are no longer in existence and don't have adequate capacity to handle the state's needs. The next joint PUC-DEP hearing regarding Kin-Buc will be held on Nov. 9 in Newark.

Kin-Buc agreement stalls

10/6/76

EDISON — Kin-Buc Inc. did not submit closing plans yesterday, an indication that the tentative January closing date for the landfill no longer stands.

Attorneys representing Kin-Buc and the state Department of Environmental Protection (DEP) continued negotiations yesterday but could not be reached for comment.

However, if the attorneys had reached agreement, Kin-Buc was to submit its engineering, closing plans which would give it 90 days to cease accepting garbage.

Beatrice Tylutki, director of the DEP solid waste administration, said yesterday no plans were submitted.

John Van Dalen, deputy attorney general representing the DEP, said Friday he would only agree to a settlement approved

by officials from Edison Township and Middlesex County.

Attorneys representing those two governing bodies said Thursday they could not go along with the state's plans. They said it did not go far enough into the future. Roland Winter, Edison township attorney, and Israel Saltman, assistant counsel for Middlesex County, said their agreement would preclude future litigation against the landfill.

However, Van Dalen said Edison and Middlesex County would not have to be a party to the plan as long as they recommended DEP enter the agreement.

The agreement which has been under discussion since Sept. 21, calls for closing the landfill by January and for proper ground cover and seeding. It would also

require a system to trap all liquid runoff from the garbage mound — known as leachate — from polluting ground waters and the Raritan River.

A settlement was offered by Theodore Schwartz, Kin-Buc's attorney, on the first day of the hearings before DEP and the Public Utilities Commission. The two agencies called the hearing as a result of DEP's move to close Kin-Buc for alleged environmental violations and attempts to expand Kin-Buc's operations.

Harold Kaplan, the hearing examiner, told the attorneys Friday their time for negotiating a settlement was up. He scheduled full hearings with testimony to begin Oct. 19, 20 and 21.

However, attorneys for all parties may continue to meet in the interim.

204806

